REMARKS/ARGUMENTS

This Reply is being filed in response to the third, non-final Official Action of May 22, 2007. The third Official Action now objects to Claims 55, 59 and 63 for allegedly being substantial duplicates of Claims 28, 37 and 46. In addition, the third Official Action now rejects Claims 28-30, 36-39, 45-48, 54, 55, 59 and 63 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,599,490 to Cornell et al., in view of U.S. Patent No. 5,875,242 to Glaser et al. Applicants note with appreciation the indication that the remaining claims, namely Claims 31-35, 40-44, 49-53, 56-58, 60-62 and 64-66 are allowable.

Applicants initially note that although the Detailed Action section of the Official Action does not set forth a rejection of any of the claims under 35 U.S.C. § 101 for being directed to non-statutory subject matter, the Response to Arguments section states the following, "Since, claims 28-66 are non-statutory. Thus, a 35 U.S.C. 101 non-statutory rejection of claims is made." Official Action of May 22, 2007, page 7. Applicants presume that the aforementioned remarks include a typographical error insofar as any of the claims are currently being rejected under § 101. To the extent that the Official Action does in fact attempt to reject any of the claims under § 101, Applicants respectfully submit that the Official Action has failed to establish a *prima facie* case for such a rejection.

As explained below, Applicants respectfully submit that Claims 55, 59 and 63 are not in fact substantial duplicates of Claims 28, 37 and 46; and accordingly, Applicants traverse this objection to the claims. Applicants also respectfully submit that the claimed invention is patentably distinct from Cornell and Glaser, taken individually or in combination. Thus, Applicants also respectfully traverse the rejections of various ones of the claims of the present application as being unpatentable over Cornell in view of Glaser. In view of the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.[1]

[1] As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Official Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

A. Claims 55, 59 and 63 are not Substantial Duplicates of Claims 28, 37 and 46

The Official Action objects to Claims 55, 59 and 63 for allegedly being substantial duplicates of Claims 28, 37 and 46, citing MPEP § 706.03(k). As explained in the MPEP, when two claims are duplicates, or so close to one another that they both cover the same thing (despite a slight difference in wording), it is proper after allowing one of the claims, to object to the other claim as being a substantial duplicate of the allowed claim. MPEP at § 706.03(k). As also explained, however, court decisions have held that a mere difference in scope between two claims has been held to be enough to include both claims in the same patent. *Id.*

In the instant case, independent Claim 28 sets forth a method (and independent Claims 37 and 46 similarly set forth systems) for verifying commands (or generated commands). More particularly, independent Claim 28 (and similarly independent Claims 37 and 46) sets forth a method including the recitation, "generating a subset of said first switch commands generated by said first system." This recitation is absent from the method defined by independent Claim 55 (and the similarly-set forth systems of independent Claims 59 and 63). And for at least this reason, independent Claim 28 (and similarly independent Claims 37 and 46) differs in scope from independent Claim 55 (and similarly independent Claims (59 and 63); and as such, the present application may properly include all of the respective claims and the claims that depend therefrom.

For at least the foregoing reason, Applicants respectfully submit that the objection to the claims is overcome.

B. Claims 28-54 are Patentable

Independent Claim 28 sets forth a method executed in a computer system of verifying generated commands, and reads as follows:

> *28. A method executed in a computer system of verifying generated commands, the method comprising:*
> *providing first switch commands generated by a first system;*
> *generating a subset of said first switch commands generated by said first system;*
> *providing data used by a second system to generate second switch commands; and*

determining whether said data used by said second system corresponds to first switch commands included in said subset, wherein a correspondence between said data and said first switch commands is indicative of said second system being capable of generating at least one second switch command equivalent to a first switch command included in said subset.

As conceded by the first Official Action, Cornell does not teach or suggest determining whether data used by a second system corresponds to first switch commands included in a subset of such commands, where correspondence is indicative of the second system being capable of generating second switch command(s) equivalent to a first switch command included in the subset. Nonetheless, the Official Action alleges that Glaser discloses this feature and that one skilled in the art would have been motivated to modify Cornell to include the feature to thereby teach the claimed invention. As motivation, the Official Action alleges that the modification "would allow the method of Cornell to provide a method that reduces the time and cost associated with the installation of a telecommunication system," citing column 17, lines 25-27 of Glaser. Applicants respectfully disagree and submit that, like Cornell, Glaser also does not teach or suggest determining whether data used by a second system corresponds to first switch commands included in a subset of such commands, where correspondence is indicative of the second system being capable of generating second switch command(s) equivalent to a first switch command included in the subset.

Glaser discloses a telecommunications-system installation and management device and method for managing, controlling, updating and monitoring telecommunications devices. As disclosed, the device is capable of managing and controlling a plurality of different types of telecommunications equipment provided by various different manufacturers to thereby seamlessly integrate the equipment into an easily managed telecommunications system. In this regard, as cited for disclosing the aforementioned feature of independent Claim 28, Glaser discloses that its device can format commands in differing manners depending on specific equipment with which it operates. Glaser, col. 17, ll. 19-31. Thus, before transferring data to the equipment to be controlled, its device may first properly format that data so as to be received and understood by the respective equipment. *Id.*

As it allegedly relates to independent Claim 28, one could argue that the Glaser device supports formatting first commands into second commands. This, however, presupposes that the Glaser device is capable of generating second commands equivalent to the first commands. And as such, Glaser does not disclose, or even have a need to, make any determination to indicate this capability, similar to independent Claim 28. That is, whereas independent Claim 28 includes determining whether a correspondence exists between data used to generate second switch commands and first switch commands to thereby indicate a capability of the second system, Glaser at best presupposes the capabilities of its device and need not perform any determination to indicate those capabilities.

Applicants therefore respectfully submit that neither Cornell nor Glaser, taken individually or in combination, teach or suggest at least the determining step of independent Claim 28. Thus, Applicants respectfully submit that independent Claim 28, and by dependency Claims 29-36, are patentably distinct from Cornell and Glaser, taken individually or in combination. Applicants also respectfully submit that independent Claims 37 and 46 define subject matter similar to that of independent Claim 28, including the aforementioned feature of determining correspondence between data used by a second system to generate second switch commands, and first switch commands of a subset of such commands. Accordingly, Applicants also respectfully submit that independent Claims 37 and 46, and by dependency Claims 38-45 and 47-54, are also patentably distinct from Cornell and Glaser, taken individually or in combination, for at least the reasons given above with respect to independent Claim 28.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 28-30, 36-39, 45-48 and 54 under 35 U.S.C. § 103(a) as being unpatentable over Cornell in view of Glaser is overcome.

C. Claims 55-66 are Patentable

Independent Claim 55 sets forth a method of verifying switch commands for a telecommunications network, and reads as follows:

> *55. A method of verifying switch commands for a telecommunications network, the method comprising:*

obtaining from a first system first executable switch commands for a telecommunications network;

providing data used by a second system to generate second executable switch commands for the telecommunications network;

comparing the first executable switch commands with the data used by the second system; and,

based on a match between a first executable switch command and the data used by the second system, identifying the matched first executable switch command as being coded by data used by the second system to generate a second executable switch command for the telecommunications network.

In contrast to the method of independent Claim 55, and as explained below, neither Cornell nor Glaser, taken individually or in combination, teach or suggest either of the aforementioned comparing or identifying steps.

1. Comparing First Executable Switch Commands

As suggested above, neither Cornell nor Glaser, taken individually or in combination, teach or suggest comparing first executable switch commands with data used by a second system to generate second executable switch commands, as set forth by independent Claim 55. The Official Action cites Cornell, and particularly column 23, lines 59-65 of Cornell, as disclosing this feature of the claimed invention. In the aforementioned cited passage, as well as column 17, line 51 to column 18, line 10, Cornell discloses providing two or more telecommunication switches to a mobile telecommunication controller and associated cell sites to reduce the average length of communication links by allowing cell sites to connect to the closer of the provided switches. Even if one argued that two of the telecommunication switches correspond to first and second systems, nowhere does Cornell teach or suggest comparing the switch commands of one of the switches with data used by the other switch to generate switch commands, similar to the comparing step of the claimed invention. And more particularly, given the Official Action interpreting primitive commands generated by a telecommunication switch controller as corresponding to first executable switch commands (taking this interpretation as given, although expressly not conceding the point), nowhere does Cornell teach or suggest comparing the primitive commands of one telecommunication switch with data used by the other telecommunication switch to generate primitive commands.

Applicants note that, in the response to arguments section, a previous Official Action has noted that "Cornell discloses a switch controller sending a first primitive command, including identification data, and then the control complex generates a second command associating with incoming call." Official Action of October 20, 2006, page 10 (citing Cornell, column 4, lines 1-30). That Official Action then continued by asserting that the aforementioned passage meets the claimed step of comparing first executable switch commands with data used by a second system to generate second executable switch commands. Applicants respectfully submit, however, that even considering the above passage, Cornell still does not teach or suggest any comparison of the first primitive command with any other command or data from which any other command may be generated. As in the cited passage, Cornell may disclose a control complex receiving a first primitive command, and generating a second primitive command, but nowhere does Cornell teach or suggest that the control complex performs a comparison of the first primitive command with the second primitive command or any data from which the second primitive command may be generated.

2. Identifying a Matched First Executable Switch Command

As also suggested above, neither Cornell nor Glaser, taken individually or in combination, teach or suggest identifying, based on a match between a first executable switch command and the data used by the second system, the matched first executable switch command as being coded by data used by the second system to generate a second executable switch command for the telecommunications network, as set forth by independent Claim 55. In fact, the Official Action concedes that Cornell does not teach or suggest this feature of the claimed invention. Nonetheless, the Official Action alleges that Glaser discloses this feature, and that it would have been obvious to one skilled in the art to modify Cornell to include the feature to thereby teach the claimed invention. Applicants respectfully disagree.

Again, although one could argue that the Glaser device supports formatting first commands into second commands, which may indicate a relationship between the first commands and respective commands, nowhere does Glaser teach or suggest performing any functions with respect to data used to generate the second commands. For example, nowhere

does Glaser teach or suggest performing any identification of a first command as being coded by data used to generate a second command, based on a match between the first command and data used to to generate the second command, similar to independent Claim 55.

Applicants therefore respectfully submit that neither Cornell nor Glaser, taken individually or in combination, teach or suggest at least the comparing or identifying steps of independent Claim 55. Thus, Applicants respectfully submit that independent Claim 55, and by dependency Claims 56-58, are patentably distinct from Cornell and Glaser, taken individually or in combination. Applicants also respectfully submit that independent Claims 59 and 63 define subject matter similar to that of independent Claim 55, including the aforementioned comparing and identifying features. Accordingly, Applicants also respectfully submit that independent Claims 59 and 63, and by dependency Claims 60-62 and 64-66, are also patentably distinct from Cornell and Glaser, taken individually or in combination, for at least the reasons given above with respect to independent Claim 55.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 55, 59 and 63 under 35 U.S.C. § 103(a) as being unpatentable over Cornell in view of Glaser is overcome.

CONCLUSION

In view of the remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON AUGUST 22, 2007.

LEGAL02/30472191v1